

Sonya D. Winner, SB # 200348
David M. Jolley, SB # 191164
Margaret G. May, SB # 234910
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
E-mail: mmay@cov.com

Attorneys for Defendant
WELLS FARGO BANK, N.A.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, *et al.*,

Plaintiffs,

v.

WELLS FARGO & COMPANY, *et al.*,

Defendants.

Civil Case No.: CV-07-5923 WHA (JCSx)

**DEFENDANT WELLS FARGO BANK,
N.A.'S ADMINISTRATIVE REQUEST
AND SUPPORTING DECLARATION OF
MARGARET G. MAY TO FILE UNDER
SEAL PORTIONS OF (1) PLAINTIFFS'
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT AND (2)
EXHIBITS TO THE SUPPORTING
DECLARATION OF RICHARD
MCCUNE**

*[Submitted in connection with Plaintiffs' July
31, 2008, Administrative Request to File
Portions of Plaintiffs' Opposition to Motion
for Summary Judgment Under Seal]*

Date: August 21, 2008
Time: 8:00 a.m.
Courtroom: 9

Honorable William H. Alsup

ADMINISTRATIVE REQUEST

Pursuant to Civil Local Rule 79-5 and this Court's Standing Order for Cases Involving Sealed or Confidential Documents, defendant Wells Fargo Bank, N.A. ("Wells Fargo") hereby requests that the Court authorize filing under seal portions of (1) Plaintiffs' Opposition to Motion for Summary Judgment ("Summary Judgment Opposition") and (2) exhibits to the Declaration of Richard McCune ("McCune Declaration"). Wells Fargo further requests that the Court direct plaintiffs to prepare and file conforming revised redacted versions of the Summary Judgment Opposition and McCune Declaration.

For the reasons set forth in the accompanying Declaration of Margaret G. May, a compelling reason exists for filing the following portions of the Summary Judgment Opposition and McCune Declaration under seal:

Summary Judgment Opposition:

- (a). Page 3, line 8 (the dollar amount);
- (b). Page 3, lines 13-15 (the percentages of customers);

McCune Declaration:

- Exhibit 1:**
- (c). Page 5, lines 10-11 (the actual numbers of customers);
 - (d). Page 6, lines 11-12 (the actual numbers of customers);
 - (e). Page 8, lines 26-27 (the actual numbers of customers);
 - (f). Page 10, lines 27-28 (the actual numbers of customers);

This request is narrowly tailored, as it seeks to seal only the very limited portions of the Summary Judgment Opposition and McCune Declaration related to sensitive non-public bank procedures or confidential Wells Fargo financial and/or customer information. The remainder of these documents will be publicly filed with the Court.

1 For these reasons, Wells Fargo asks the Court to grant this administrative
2 request.

3
4 DATED: August 6, 2008

COVINGTON & BURLING LLP

5
6 By: /s/
Margaret G. May
7 Attorneys for Defendant
WELLS FARGO BANK, N.A.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF MARGARET G. MAY

I, Margaret G. May, declare as follows:

1. I am an attorney in the law firm of Covington & Burling LLP, counsel of record for defendant Wells Fargo Bank, N.A. ("Wells Fargo") in this action. I am licensed to practice law in the State of California. The matters set forth herein are true and correct of my own personal knowledge and information provided to me. If called as a witness, I could and would testify competently thereto.

2. I have reviewed the information included in and attached to Plaintiffs' Opposition to Motion for Summary Judgment ("Summary Judgment Opposition") and the Declaration of Richard McCune ("McCune Declaration"). A compelling reason exists to file under seal the following information:

Summary Judgment Opposition:

(a). Page 3, line 8 (the dollar amount);

(b). Page 3, lines 13-15 (the percentages of customers);

McCune Declaration:

Exhibit 1: (c). Page 5, lines 10-11 (the actual numbers of customers);

(d). Page 6, lines 11-12 (the actual numbers of customers);

(e). Page 8, lines 26-27 (the actual numbers of customers);

(f). Page 10, lines 27-28 (the actual numbers of customers);

A COMPELLING REASON EXISTS

3. The information in Items (a) to (f) listed above consists of non-public Wells Fargo customer information. Specifically, the identified information sets out specific bank revenue streams and customer levels in California. This information is maintained as confidential by Wells Fargo, and similar information is typically maintained as confidential by other banks in the industry. Disclosure of these numbers would place Wells Fargo at a strategic and competitive disadvantage among its peers and competitors. The Court previously has found (in connection with Plaintiffs' Motion for Class Certification) that good cause exists to maintain this information under seal. *See* July 25, 2008, Order Granting Wells Fargo's Administrative

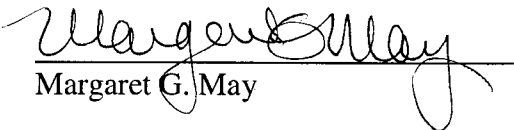
1 Request (Docket No. 54). Therefore, a compelling reason exists to maintain this information
2 under seal.

3 I declare under penalty of perjury under the laws of the State of California and
4 the United States of America that the foregoing is true and correct.

5 Executed on August 6, 2008, in San Francisco, California.

6

7


Margaret G. May

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28